

HOUSE BILL No. 5975

September 11, 1990, Introduced by Rep. Clack and referred to the Committee on Corrections.

A bill to amend section 30 of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as added by Act No. 59 of the Public Acts of 1988, being section 791.230 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 30 of Act No. 232 of the Public Acts of
2 1953, as added by Act No. 59 of the Public Acts of 1988, being
3 section 791.230 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 30. (1) Except as provided in subsection (2), the fol-
6 lowing information or records are exempt from disclosure under
7 the freedom of information act, if requested by or on behalf of a
8 prisoner committed to the jurisdiction of the commission, whether
9 serving a sentence in a state or county correctional facility,
10 another state's correctional facility, or a federal correctional
11 facility, or whether committed from another state or the federal
12 government and serving a sentence in a state correctional
13 facility:

14 (a) Log books or other daily reports of the rounds made by
15 employees of the department, or any other form of daily record
16 made by employees of the department for the purpose of apprising
17 one another, or apprising other departmental employees, of events
18 taking place in a correctional facility.

19 (b) Staffing charts or daily assignment sheets, or other
20 record of the duty assignments of correctional officers or other
21 departmental employees. ~~, the release of which would threaten~~
22 ~~the security of a correctional facility.~~

23 (c) Critical incident reports, records of violent or danger-
24 ous incidents, or records of any other incidents, the release of
25 which would threaten the security of a correctional facility.

1 (d) Records pertaining to a civil action involving the
2 department, its employees, or the commission.

3 (e) Records of any meeting of employees or officers of the
4 department. This subdivision does not apply to records of meet-
5 ings of the commission, which shall remain public records that
6 are subject to disclosure to the extent allowed, and in the
7 manner provided, in the freedom of information act, or the open
8 meetings act.

9 (f) Periodic reports made to the commission or department by
10 wardens or other departmental officers or employees.

11 ~~(g) Home addresses, phone numbers, and personnel records of~~
12 ~~employees of the department~~ RECORDS PERTAINING TO OTHER PRISON-
13 ERS COMMITTED TO THE JURISDICTION OF THE COMMISSION, WHETHER
14 SERVING A SENTENCE IN A STATE OR COUNTY CORRECTIONAL FACILITY,
15 ANOTHER STATE'S CORRECTIONAL FACILITY, OR A FEDERAL CORRECTIONAL
16 FACILITY, OR WHETHER COMMITTED FROM ANOTHER STATE OR THE FEDERAL
17 GOVERNMENT AND SERVING A SENTENCE IN A STATE CORRECTIONAL
18 FACILITY.

19 (2) Notwithstanding subsection (1), information or records
20 in the possession of the commission or department that contain
21 the name of a prisoner, or that contain a number or other desig-
22 nation intended to identify a particular prisoner, shall be
23 subject to disclosure to that prisoner to the extent allowed, and
24 in the manner provided, in the freedom of information act.

25 (3) A public record in the possession of the department or
26 commission that is not exempted from disclosure under subsection
27 (1), and that does not pertain specifically to the requesting

1 prisoner as prescribed in subsection (2), shall be subject to
2 disclosure to a prisoner to the extent allowed, and in the manner
3 provided, in the freedom of information act, except that the
4 waiver of the first \$20.00 of the fee for copying a public
5 record, as prescribed in section 4(1) of the freedom of informa-
6 tion act, being section 15.234 of the Michigan Compiled Laws,
7 shall not apply to that request OR TO A REQUEST BY A PRISONER FOR
8 A PUBLIC RECORD CREATED BY THAT PRISONER OR A PUBLIC RECORD PRE-
9 VIOUSLY PROVIDED TO THAT PRISONER BY THE DEPARTMENT IN THE PER-
10 FORMANCE OF ITS OFFICIAL FUNCTION.

11 (4) PRISONERS MAY INSPECT DOCUMENTS AS PRESCRIBED IN
12 SECTION 3 OF THE FREEDOM OF INFORMATION ACT, BEING SECTION 15.233
13 OF THE MICHIGAN COMPILED LAWS, WHICH ARE NOT OTHERWISE EXEMPT
14 FROM DISCLOSURE SUBJECT TO REASONABLE RESTRICTIONS BY THE COMMIS-
15 SION OR THE DEPARTMENT.

16 (5) ~~(4)~~ The home addresses, phone numbers, and personnel
17 records of department employees and employees of the center for
18 forensic psychiatry are exempt from disclosure under the freedom
19 of information act.

20 (6) ~~(5)~~ As used in this section:

21 (a) "Freedom of information act" means Act No. 442 of the
22 Public Acts of 1976, being sections 15.231 to 15.246 of the
23 Michigan Compiled Laws.

24 (b) "Open meetings act" means Act No. 267 of the Public Acts
25 of 1976, being sections 15.261 to 15.275 of the Michigan Compiled
26 Laws.